IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL REVISION APPLICATION No.141 of 2006

Smt. Sunita @ Sanjiwani Ramesh ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr S. R. Chitnis, Senior Counsel i/b D. C. Mishra for the applicant.

Ms M.H. Mhatre, APP for the Respondent.

CORAM: V.C. DAGA,J.

DATED: 3RD JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State. Perused application.

2. The factual matrix reveals that one Ashok Ganpat Shirke lodged a complaint to Bazar Peth Police Station, Kalyan that Ramesh Laxman Patil alongwith his associate had killed Maruti Chandanshive on 8.11.2004. The offence came to be registered under Sections 109, 120(B), 302 of the I.P.C. read with Section 25 (1) of the Arms Act. In connection with this particular case, in all ten persons were arrested by police.

3. The present applicant is arrested along with other nine persons in this case. The present applicant is released on bail by the

Additional Sessions Judge, Kalyan.

4. The applicant on 2.3.2006 filed application for discharge in Session Case No. 120 of 2005. However, that application came to be rejected by the I Ad-hoc Additional Sessions Judge, Kalyan by the impugned order dated 2.3.2006.

5. Being aggrieved by the said order, the applicant has preferred this criminal revision application contending that only material against her is the statement of witness Usha Chandanshive i.e. wife of the deceased, who had stated that the applicant had given threats to the life of the deceased. The applicant had also asked Usha to inform her husband that if does not desist he will loose his life.

6. In the above back drop, the submission is that except the statements of Usha and Latabai about alleged threats, there is no other positive evidence against the present applicant. He, thus, submits that the applicant has made out case for discharge. He placed reliance on the judgments reported in the cases of the **Union of India vs. Prafulla Kumar Shamal, 1979 (3) S.C.C.4 Suresh Budharamal Kalani alias Pappu Kalani vs.State**

3**37** in support of his submission.

7. Learned APP, while opposing application, submits that applicant-Sunita @ Sanjiwani is the wife of the main accused Ramesh Patil. The threats were administered from time to time by the present applicant Sunita could be the out-come of mutual discussion with her husband. He submits that there cannot be a direct evidence of conspiracy because it is always hatched secretly. Under these circumstances, he submits that impugned order is proper order warranting no interference at the hands of this Court.

8. Having heard both parties, at this stage, suffice to say that Sunita is wife of the principal accused. At this stage, there is sufficient material available on record in the form of statements of Usha and Latabai to connect the applicant with the offence charged. As such, this is not a case warranting discharge.

9. The view taken by the court below is a reasonable and possible view. By no stretch of imagination, it can be said to be a perverse view warranting interference at the hands of this Court. The application is,

therefore, rejected with no order as to costs.

(V.C. DAGA,J.)